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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/007,002	11/30/2001	Michael Neal	DEM1P009	9261
36088	7590	05/11/2005	EXAMINER	
KANG LIM			RUHL, DENNIS WILLIAM	
3494 CAMINO TASSAJARA ROAD #436			ART UNIT	
DANVILLE, CA 94306			PAPER NUMBER	
			3629	

DATE MAILED: 05/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

1. Newly submitted claims 13 and 20 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: The previously presented independent claims were all directed to the optimization and setting of product prices for a plurality of products. As currently amended, claims 13 and 20 have nothing to do with price optimization for products and are directed to a new invention that has never been presented for examination. The new scope of the claims is just directed to a method for computing a set of rules, which is not the same invention as optimization of product prices. Had claims to both the computing the set of rules and the price optimization been originally presented for examination, a restriction or election of species would have been required. Applicant cannot change the invention being examined at this point in prosecution as the price setting optimization invention was elected by original presentation.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 13,20 and all dependent claims are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

2. The reply filed on 2/11/05 is not fully responsive to the prior Office Action because: currently there are no claims pending that are directed to the invention that was elected by original presentation (price optimization for a plurality of products). All of the claims directed to the invention elected by original presentation were either

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canceled or amended to be reciting a new invention. This renders the last response as non-responsive.

Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis Ruhl whose telephone number is 571-272-6808. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 571-272-6812. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
DENNIS RUHL  
PRIMARY EXAMINER